

00- *R* -1821

Entered - 9/14/00 - sb  
CL 00L0571 - ALEXIS HOLMES

CLAIM OF: **DEBORAH JOHNSON**  
through her attorney  
Ramon Walls Palanca, Jr  
149 S. McDonough Street  
Suite 215  
Jonesboro, Georgia 30236

For damages alleged to have been sustained as a result of an arrest on  
May 19, 2000 at 2204 Peachtree Street, NW.

**THIS ADVERSE REPORT IS APPROVED**

BY: *Rosalind R Newell*  
**ROSALIND RUBENS NEWELL**  
**DEPUTY CITY ATTORNEY**

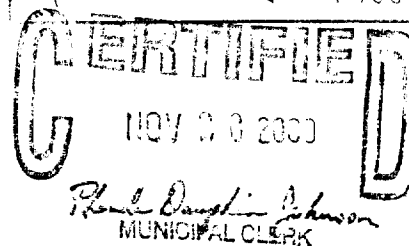
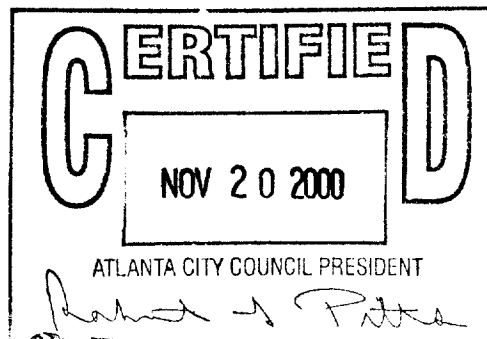
ADVERSE REPORT  
CITY COUNCIL NOV 20 2000

ADVERSE REPORT

*Public Safety*

*11/14/00*

*Clara Johnson*  
*Maryland*  
*Johnson*  
*CWR*





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

November 28, 2000

Ramon Walls Palanca, Jr.  
Attorney at Law  
149 S. McDonough Street  
Suite 215  
Jonesboro, GA 30236

00-R-1821

RE: Deborah Johnson

Dear Attorney Palanca:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on November 20, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0571

Date: 11/01/00

Claimant /Victim: **DEBORAH JOHNSON**

BY: (ATTY:) Ramon Walls Palanca, Jr.

Address: 149 S. McDonough St., Suite 215 Jonesboro, Georgia 30236

Subrogation:            Claim for Property loss \$            Bodily Injury \$ \$10,420.00

Date of Notice: 09/06/00 Method: Written, proper X Improper           

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 05/19/00 Place: 2204 Peachtree Street, NW

Department Police Division:           

Employee involved Officers T.M. Diggs, and C.A. Felton Disciplinary Action:           

**NATURE OF CLAIM:** Claimant alleged that she sustained damages and injuries by Officers Diggs and Felton as a result of an arrest. However, a municipal corporation shall not be liable for the torts of policemen or other officers engaged in the discharge of the duties imposed on them by law as set forth in O.C.G.A § 36-33-3.

### INVESTIGATION:

Statements: City employee            Claimant            Others            Written            Oral           

Pictures            Diagrams            Reports: Police X Dept Report            Other X

Traffic citations issued: City Driver            Claimant Driver           

Citation disposition: City Driver            Claimant Driver           

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial           

Improper Notice            More than Six Months            Other X Damages reasonable           

City not involved            Offer rejected            Compromise settlement           

Repair/replacement by Ins. Co.            Repair/replacement by City Forces           

Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$            Adverse X Account charged: 1A01            2J01            2H01           

Claims Manager:  Concur/date 11-5-00

Committee Action:            Council Action

**RAMON WALLS PALANCA, JR.**  
ATTORNEY AT LAW

**JONESBORO:** 149 S. McDONOUGH STREET,  
SUITE 215, JONESBORO, GEORGIA 30236,  
TEL. 678.467.2114.

**MIDTOWN:** 1518 MONROE DRIVE NE, ATLANTA,  
GEORGIA 30324, TEL. 404.819.0466,  
FAX 404.663.6701.

EMAIL RAMONPALANCA@YAHOO.COM

Wednesday, August 30, 2000

VIA CERTIFIED MAIL

Atlanta City Council  
55 Trinity Avenue, S.W.  
Suite 2900  
Atlanta, Georgia 30335

**Re: Anti-Litem Notice of Claim**  
**My client: Ms. Deborah Johnson**  
**Date of incident: May 19, 2000**  
**Location: Wachovia Bank, 2204 Peachtree Rd NW, Atlanta, GA 30309**

Dear Sir or Madam:

I represent Ms. Deborah Johnson in reference to her claim against the City of Atlanta for injuries to her wrists, arms, and/or shoulders. On May 19, 2000, Ms. Johnson and her cousin, Ms. Rena Drake, were falsely accused of committing check fraud, while they were trying to cash checks that were given to them by Ms. Drake's mother. There was a Mr. Aric Hunt who at the same time was arrested by the officers (please see Incident/CICA# 00-140-1297 enclosed). Ms. Johnson and Ms. Drake bear no relationship with Mr. Hunt. Ms. Johnson's and Ms. Drake's names were cleared at the bank, but only after considerable period detention in the back of the patrol car. During this detention, Ms. Johnson's hands were cuffed. The cuffs were placed on Ms. Johnson in a manner that caused her injury. Although she advised one or more of the officers that the cuffs were too tight, nothing was done to remedy the situation. Ms. Johnson was required to undergo medical treatment for her injuries.

I have not yet received a copy of Ms. Johnson's medical records and bills. However, I will provide a copy of said bills when they become available to me. It is my understanding that including physical therapy, the medical bills come to approximately \$2000.00. In the meantime, if you have any questions or concerns, please do not hesitate to give me a call.

Sincerely,

  
Ramon Walls Palanca, Jr.

Enclosure

00- R-1821

Holmes  
09/13/00  
[Signature]

ENTERED - 9-14-00 - SB  
00L0571 - ALEXIS HOLMES

SEP - 6

00-00-00701:00 RCV

Council President Pro Tem Starnes  
Presided

RCS# 2401  
11/20/00  
2:00 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-18

00-R-1849  
(Morris Voted NAY)

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
NV Bond	Y Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA

00-O-1111  
00-R-1693  
00-R-1694  
00-R-1695  
00-R-1696  
00-R-1697  
00-R-1804  
00-R-1835

CONSENT

		11/20/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1690 2. 00-O-1691 3. 00-O-1692 4. 00-O-1845 5. 00-O-1864 6. 00-O-0728 7. 00-R-1702 8. 00-R-1703 9. 00-R-1705 10. 00-R-1707 11. 00-R-1850 12. 00-R-1865 13. 00-R-1851 14. 00-R-1873 15. 00-R-1622 16. 00-R-1623 17. 00-R-1699 18. 00-R-1775* 19. 00-R-1776* 20. 00-R-1777* 21. 00-R-1782 22. 00-R-1687 23. 00-R-1668 24. 00-R-1786 25. 00-R-1789 26. 00-R-1799 27. 00-R-1800 28. 00-R-1813 29. 00-R-1814	30. 00-R-1815 31. 00-R-1849# 32. 00-R-1858 33. 00-R-1862 34. 00-R-1787* 35. 00-R-1790 36. 00-R-1791 37. 00-R-1794 38. 00-R-1798 39. 00-R-1861 40. 00-R-1686 41. 00-R-1843 42. 00-R-1869 43. 00-R-1870 44. 00-R-0973 45. 00-R-0816 46. 00-R-1803 47. 00-R-1805 48. 00-R-1806 49. 00-R-1807 50. 00-R-1808 51. 00-R-1809 52. 00-R-1810 53. 00-R-1811 54. 00-R-1812	55. 00-R-1816 56. 00-R-1817 57. 00-R-1818 58. 00-R-1819 59. 00-R-1820 60. 00-R-1821 61. 00-R-1822 62. 00-R-1823 63. 00-R-1824 64. 00-R-1825 65. 00-R-1826 66. 00-R-1827 67. 00-R-1828 68. 00-R-1829 69. 00-R-1830 70. 00-R-1831 71. 00-R-1832 72. 00-R-1833 73. 00-R-1834 74. 00-R-1836 75. 00-R-1837 76. 00-R-1838 77. 00-R-1839 78. 00-R-1840 79. 00-R-1841 80. 00-R-1842  * President Pitts recused himself.  # Lee Morris not voting.